

DRAFT ENVIRONMENTAL ASSESSMENT

**Disposal of the
Castle Dale Upland Bird Management Unit in
Emery County, Utah**

March 5, 2013

Prepared by:

U.S. Fish and Wildlife Service
Wildlife and Sport Fish Restoration Program
Denver, Colorado

&

Utah Division of Wildlife Resources
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BACKGROUND

The Utah Division of Wildlife Resources (UDWR) has requested approval from the U.S. Fish and Wildlife Service (Service), Division of Wildlife and Sport Fish Restoration (WSFR), to dispose of the 81.2 acre Castle Dale Upland Bird Management Unit located in Emery County, Utah. UDWR proposes to dispose of the property because it no longer serves the primary purposes for which it was acquired.

UDWR purchased the property in 1948 and 1949 with Pittman-Robertson Wildlife Restoration Act funds through Grant #W-43-L. The primary purpose of the acquisition was to provide habitat for ring-necked pheasant (*Phasianus colchicus*) and, to a lesser extent, California quail (*Callipepla californica*). During the 1950s and 1960s, agricultural practices focused on small grain production. These practices provided sufficient food and cover to support good populations of upland birds. Since then, populations and habitat conditions have declined to the point where the property no longer supports upland birds.

Service approval of the grant amendment allowing disposal would constitute a federal action subject to the requirements of the National Environmental Policy Act (NEPA). The Service has decided to use this environmental assessment (EA) to document the analysis of the proposed action and the environmental effects which are likely to result. The Service will use this draft EA and the associated public review to determine if the proposed action is likely to cause any significant impacts to the environment.

If significant adverse effects are unlikely, the Service may issue a Finding of No Significant Impact (FONSI), allowing UDWR to proceed with disposal. If significant impacts appear likely to result from the proposed action, the Service would prepare an environmental impact statement (EIS) to more fully analyze the impacts before allowing UDWR to dispose of the land.

PURPOSE AND NEED FOR ACTION

The purpose of the proposed action is to dispose of the Castle Dale Upland Bird Management Unit (Castle Dale), in Emery County, Utah. Castle Dale no longer serves the primary purpose of providing upland bird habitat for which it was acquired. The Castle Dale property and the surrounding area provides extremely limited value as pheasant habitat, and does not offer reliable hunting opportunities for any upland species; further, the birds are not present in sufficient number to support hunting recreation.

UDWR's reasoning in requesting authority to dispose of the lands is a recognition that upland game populations and related hunting opportunities are essentially absent on the property. Small game hunting partially inspired the original decisions to acquire the lands, but the upland bird values and hunting opportunities which encouraged the original purchase are no longer present. Given these conditions, recreational value will be lost as it is already diminished.

The main reason for this loss of upland game value is the habitat change associated with shifting agricultural practices since the 1940s. Production of small grains has given way to irrigated alfalfa hay production, which generally is cut and baled for livestock forage. Current "clean farming" practices tend to leave less residual cover and overwinter shelter, which historically would have been found in greater abundance along field edges and hedgerows in these agricultural areas. The Castle Dale property now supplies only a faint recollection of the upland game values it once offered, and habitat change across the general area is the root cause for this reduction.

Ring-necked pheasants no longer present a viable wildlife management option for most of Utah, including the project area. This realization is critical to understanding the purpose and need for disposing of the property. If the Castle Dale area in general, and the subject lands in particular, still held food and cover sufficient to promote small game production there would be no reason to dispose of the lands. These lands no longer provide habitat and hunting opportunities for upland bird species for which they were acquired. The proposed action makes sense only with an understanding of the diminished upland wildlife values observed today on the property, as compared with those present when it was originally acquired.

Management problems that are inherent to small tracts and the diminishment of the upland game values have caused UDWR to seek authority to dispose of this land. This would permit reinvestment of limited program funding in other wildlife habitat projects which hold greater potential to fulfill current wildlife management needs.

ALTERNATIVES

Proposed Action

The proposed action is to sell the 81.2 acre property with appurtenant water rights. The revenue would be credited back to UDWR's Wildlife Restoration Act grant (Grant #W-65-M) for use in other approved wildlife management efforts.

UDWR proposes to offer the subject property for sale at auction held by the Utah School and Institutional Trust Lands Administration (SITLA) in 2013, or in the spring of 2014. UDWR is of the opinion that with a reasonable market exposure period for the property, bids received at auction are a better reflection of current real estate market values than the appraised estimates. In preparing for this eligible method of disposal, UDWR has completed an appraisal and review appraisal which comply with the provisions of both the *Uniform Appraisal Standards for Federal Land Acquisitions* and the *Uniform Standards of Professional Appraisal Practice*.

No Action

The no action alternative would consist of not selling the land or water rights. The water cannot be sold separately from the land, because of an existing water rights decree: the water must be used on the property, or else left in the Wilcox-Seely Ditch. Under this alternative, UDWR would continue to own the property without modification to the present management as vacant agricultural land.

AFFECTED ENVIRONMENT (DESCRIPTION OF AREA)

Castle Dale lands were acquired in two stages by the Utah Fish and Game Department (now the Utah Division of Wildlife Resources). A 41.18-acre tract (Lot 2 of Section 2, Range 8 East, Township 19 South; Salt Lake Base and Meridian) was granted by DeLon S. and Argene V. Olsen, for the sum of \$700, by Warranty Deed executed on August 17, 1948 (Emery County *Book of Deeds* #A-13; Page 632; Entry No. 72308). Subsequently, on March 14, 1949, for the sum of \$800, Dale Jeffs granted by Warranty Deed an additional, contiguous 40.02 acres, comprising Lot 3 of the same section (Emery County *Book of Deeds* #A-14; Page 355; Entry No. 74449). The lands were initially known as the "Castle Dale Upland Bird Sanctuary," but were renamed the "Castle Dale Upland Bird Management Unit" during the mid-1960s.

Both tracts were acquired with appurtenant, non-transferable water rights, which must be used in association with the premises or else left in the irrigation ditch. The northwest corner of the Castle Dale property lies 0.75 miles east and slightly south of the town of Castle Dale, Emery County, Utah.

Wildlife Resources

The property has occasional ring-necked pheasants, although none were observed on May 25, 2012 as three UDWR staff walked back and forth over the entirety of the tract. One pheasant was heard calling from the vicinity of Cottonwood Creek some distance south of the tract. Decades-old beaver sign was found along one of the irrigation canals, which consisted of typical gnawed marks on both standing and felled cottonwood trees. Mule deer occasionally cross the property, as a few tracks and pellet droppings were observed on May 25, 2012. Migratory birds used the property but there was no evidence of concentrated nesting or feeding area observed. The amount of riparian habitat present on the property is inconsequential.

Fish and Other Aquatic Species

There are no signs of fish life evident in the irrigation ditches. There was an unidentified tree frog (possibly *Pseudacris*) heard calling in the general vicinity, while visiting the property on May 25, 2012. The property appears to offer only minimal aquatic habitat value and no substantial fish populations or other aquatic wildlife species.

Endangered, Threatened, or Candidate Species / State Sensitive Species

There are no endangered, threatened, candidate species, or state sensitive species known to occur on this property. In addition, there is no critical habitat present in the immediate area for any of these species.

Water and Wetland Resources

The property contains no significant surface water aside from earthen ditches supplying flood irrigation, and one small area of contact with Cottonwood Creek, in the far southeastern corner of the property. The irrigation ditch is situated along the base of the bench land on the east portions of the property. UDWR owns two decreed water rights served from the Wilcox-Seely Ditch. The water is diverted above the property, out of Cottonwood Creek, which eventually passes south the property, barely contacting the southeastern corner of the UDWR tract.

There is no appreciable riparian habitat occurring on the property except for the green area immediately adjacent to the irrigation ditches. Water right 93-3072 provides 316.6 acre-feet for irrigating 79.15 acres from March 1 to November 30, and water right 93-1558 provides 0.84 acre-feet for watering 30 head of livestock. The water within the ditches is dark in color and consists partially of agricultural return flows re-entering the ditch from upstream of the tract.

Prime and Unique Farmland

This property presents a patchwork of saltgrass meadow, vacant fields, and Russian olive groves, bisected by an open ditch carrying diverted irrigation water and agricultural return-flows from irrigated meadows situated upstream. The property is not considered prime or unique farmland, nor does it hold statewide significance as farmland.

Historic and Cultural Resources

An intensive cultural resources survey of the property was conducted on May 25, 2012, by UDWR's staff archaeologist, NEPA coordinator and land and water assets coordinator. This enabled preparation of a consultation letter (Attachment B) to the State Historic Preservation Officer (SHPO) prior to UDWR making a final decision disposal of the property. There were no historic properties discovered, a finding which the SHPO concurred (Attachment C). This demonstrates compliance with Utah Code 9-8-404, and satisfies Section 106 requirements related of the National Historic Preservation Act.

Vegetation

Vegetation on the property consists of approximately 12 acres of vacant agricultural fields (Figure 3) on upland portions and 50-60 acres of densely vegetated saltgrass (*Distichlis spicata*) meadow (Figures 2 and 4) with heavy salt extrusion visible on the leaves which indicates persistent saline conditions in the moist, sub-irrigated soil. Russian olive and a few cottonwood trees are present near the irrigation ditches and occur in shady groves on small portions of the property. A number of three-lobed sumac (*Rhus trilobata*) shrubs are present in southeastern portions of the tract, planted many years ago as "windbreaks" intended to supply habitat to benefit upland game.

Recreation

No fishing opportunities exist on the property and any wildlife watching or hunting which now take place on the property are sporadic and limited. The property offers no predictable hunting value. It is open to the public and hunting is allowed on the property, but a key understanding behind the proposed action is that not many people are able to derive any measurable hunting benefit today from this property. Small game hunting, especially for ring-necked pheasant, simply is not a viable recreational activity in the immediate area these days because pheasants are not numerous. The sighting of an occasional pheasant is the most that could be hoped for on this land, which offers minimal wildlife recreation value.

ENVIRONMENTAL CONSEQUENCES

PROPOSED ACTION

Wildlife Resources

Wildlife use of the property is not likely to change substantially if the tract is sold, as the land use would remain essentially agricultural, even with the potential development of a 10 acre single home lot. A home lot would reduce wildlife use in the immediate vicinity, but considering the existing low wildlife values on the tract at the present time, this reduction in wildlife use is not expected to have significant detrimental effects on wildlife populations.

Fish and other Aquatic Species

The existing property does not have any aquatic habitats, generally speaking, and no significant effects related to aquatic life are predicted.

Endangered, Threatened, or Candidate Species / State Sensitive Species

The proposed action would have no effect on any endangered, threatened, candidate, or state-listed species of concern. The reason for this is that there are no rare wildlife or plant populations present to be affected by disposal of the UDWR property.

Water and Wetland Resources

Emery County has zoned the property as A-1, Agricultural. If the property were sold, it would need to remain in agricultural use for the foreseeable future. Zoning is not necessarily a permanent classification, but the water delivered to the property could not be transferred or sold separately from the land. It must be used on the property, or else left in the irrigation ditch, on authority of the adjudicated water-rights decree. For these reasons, it appears unlikely that water on the property would be subject to any change in use if the land were sold. Without a change in use of the irrigation water delivered to the property, it is unlikely there would be a shift in soil hydrology, hence no substantial change is expected in wetland habitats presently occurring on the property.

Prime and Unique Farmlands

No prime or unique farmlands are present on or near the property. Therefore disposing of the land would have no impact on such farmlands.

Historical and Cultural Resources

Based upon the intensive field inventory for cultural resources previously reported, no historic properties are present disposal of the lands will have no impact.

Vegetation

The vegetation would remain largely unmodified though the sale of the property to a private landowner. More active grazing of the saltgrass meadow or planned burns to reduce the rank vegetation and encourage new growth, to increase grass palatability and consequent use by livestock could result from the sale. The saltgrass could then be grazed or potentially cut and baled. Under the agricultural zoning classification in Emery County, it would be possible to develop a single, 10-acre home lot on the tract; while the rest of the land would remain agricultural. That could result in a vegetation change on a minor portion of the tract, but is not expected to lead to any further subdivision under current zoning ordinances. If the single residential lot is authorized, it would be reasonable to expect an increase in the degree of care and management applied to landscape vegetation surrounding the home, with a corresponding reduction in natural vegetation within the 10-acre lot. It seems likely in the future that the tract would remain in agriculture, whether sold or not, given the presence of Castle Dale City's municipal sewer treatment ponds situated in the open air, immediately adjacent and west of the UDWR land (Figure 8). Vegetation on the property would continue to match the current description regardless of sale.

Recreation

If the property were sold, public hunting or wildlife-viewing access on the land would be reduced or eliminated. Presumable uses of the property by the new purchaser would include grazing or haying of the saltgrass meadow and potential development of a single, 10-acre home lot on the property. Dependent on the ultimate landowner, some hunting or wildlife viewing could still be allowed upon request. This would require written permission of the owner. Based on the management of private lands

typically observed in this area, it is reasonable to expect at least a reduction (if not a termination) of public access to the property under the proposed action. As there is no fishing opportunity now, there would be no loss of fishing recreation, if the proposed action were to be implemented.

NO ACTION

Wildlife

The current levels of wildlife use would likely persist without substantial change over the foreseeable future.

Fish and other Aquatic Species

The no action alternative would have no effect on fish or any other aquatic species as Castle Dale does not contain appreciable aquatic habitat.

Endangered, Threatened, or Candidate Species / State Sensitive Species

Castle Dale contains no endangered, threatened, or candidate species, or any designated critical habitat, so there would be no effect on these animals under this alternative.

Water & Wetland Resources

Castle Dale does not offer much water aside from previously described water rights delivering irrigation water or allowing animal watering in Cottonwood Creek. The no action alternative would have no effect on use of these water resources. The present situation would continue and water on the property would not experience any change in use. Without a change in use of the irrigation water delivered to the property, it is unlikely there would be a shift in soil hydrology, hence no substantial change in wetland habitats presently occurring on the property.

Prime and Unique Farmlands

There are no prime or unique farmlands or any farmlands of statewide significance which occur on the property and thus this alternative would have no influence on any such farmlands.

Historical and Cultural Resources

Castle Dale contains no known historic and cultural resources as described in the Cultural Resources Inventory. This alternative would have no effect on cultural resource values.

Vegetation

The vegetation would remain largely unmodified and the agricultural fields would remain vacant. The saltgrass meadow would remain as it is now. The UDWR would continue management of the property without any modification to current vegetation patterns.

Recreation

With no change to current management, the public would retain whatever limited hunting or wildlife viewing values are present at times on the property. There are no fishing opportunities on the property, regardless of which alternative is implemented.

CUMULATIVE EFFECT OF THE PROPOSED ACTION

The history of past actions on the property revolve around agriculture, which may never have been particularly successful, as evidenced by the failed attempts to produce commercially viable crops and wildlife plantings on the eastern portions of the property. The saltgrass meadow was likely grazed and it may have been cut for hay at some point in the past, however, we have no evidence that the hay was ever cut and baled. After UDWR purchased the property in the 1940s, commercial agriculture essentially ceased on the property as the lands from that point were managed for upland game purposes and generally left idle.

Presently the land is protected from development and, in terms of current actions, has been kept fenced and gated to preclude undesired vehicular access or unmanaged grazing in the last several years. UDWR tried to plant suitable vegetation for wildlife in the old fields on the eastern portions of the property using mostly grasses and dry land forbs, which do not depend on active irrigation. Dry climatic conditions impaired the success of plantings and the fields do not provide much wildlife benefit. Future actions on the property are likely to continue in an open-land context under the current zoning. A purchaser of the property would be allowed to build a home on one 10 acre lot. The presence of the municipal sewer ponds immediately west of the property may reduce the likelihood of residential development. One of the most likely events in the future would be moderate increases in livestock use of the saltgrass meadow, particularly if the property is sold to an agriculture producer.

Castle Dale is not undergoing any clear patterns of expanding suburban development such as that occurring in other more highly populated parts of Utah. The agricultural land uses and municipal or industrial developments (coal mines, and electrical power generating plants, for instance) in the area have been in place for a number of years and appear stable for the foreseeable future. No substantial shifts in land use or habitat conditions are predicted in the future. The proposed action would not have any perceptible impact, in a cumulative sense, since a change in ownership would not result in a change a dramatic change in land use, recreation, or other environmental effects to the landscape over the foreseeable future.

PUBLIC PARTICIPATION

UDWR does not plan to hold any public meetings for this proposed action, but will ensure that availability of the draft EA is advertised via legal notice in the *Salt Lake Tribune* and the *Emery County Progress*, two newspapers of general circulation in the affected area.

Any interested public correspondents will be able to supply comments to the Service, who will accept all input related to this proposed action for (30) thirty days from the date the assessment is published on the Service website.

The draft EA can be found at: <http://www.fws.gov/mountain-prairie/federalassistance/> . Written comments will be accepted until 5:00 p.m., April 4, 2013, and can be mailed to the address below:
U.S. Fish and Wildlife Service

Wildlife and Sport Fish Restoration Program
ATTN: Draft Environmental Assessment - Castle Dale Upland Bird Management Unit
Disposal Emery County, Utah
P.O. Box 25486, Denver Federal Center
Denver, CO 80225

EA PREPARATION

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Appendix A.





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GoWJmor

GREGORY S. BELL
Lieutenant Governor

APPENDIX B.

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources
JAMES F. KARPOWITZ
Division Director

May 31, 2012

Lori Hunsaker
Deputy State Historic Preservation Officer
State History
300 Rio Grande
Salt Lake City, UT 84101-1182

RE: Cultural Resource Inventory of the Castle Dale Wildlife Management Area Land Sale, Emery County (U-12-UQ-0405s)

Dear Ms. Hunsaker:

Enclosed for your review and comment is a report titled *Cultural Resource Inventory of the Castle Dale Wildlife Management Area Land Sale*. The project is located on Utah Division of Wildlife Resources' (UDWR) property. The action driving the U.C.A. 9-8-404 compliance survey of this parcel is the intent by the UDWR to sell this property at public auction.

The intensive Cultural Resource Inventory of the Castle Dale Wildlife Management Area resulted in the finding of no cultural resources. Therefore, the Division of Wildlife Resources has made a determination of *no historic properties affected* for the project, and we are asking for your concurrence with our determination.

Sincerely,

(signature redacted)

Michael F. Canning
Habitat Section Chief

MFC/mws

Enclosure

cc: Stephen Hansen, Land Acquisition Program Coordinator





State of Utah

GARY R. HERBERT
Governor

GREG BEIL
Lieutenant Governor

APPENDIX C.

Department of Community and Culture

JULIE FISHER
Executive Director

State History

WILSON G. MARTIN
Acting Director

June 7, 2012

Michael F. Canning
Habitat Section Chief
Division of Wildlife Resources
1594 West North Temple, Suite 2110
PO Box 146301
Salt Lake City Utah 84114-6301

RE: Cultural Resource Inventory of the Castle Dale Wildlife Management Area Land Sale,
Emery County, Utah U-12-UQ-0405s

For future correspondence please reference Case No. 12-1123

Dear Mr. Canning:

The Utah State Historic Preservation Office received your request for our comment on the above referenced undertaking on June 4, 2012. From the information you provided, it appears that no cultural resources were located in the undertaking's Area of Potential Effects. We concur with your determination of **No Historic Properties Affected** for this undertaking.

Utah Code 9-8-404(1)(a) denotes that your agency is responsible for all final decisions regarding cultural resources for this undertaking. Our comments here are provided as specified in U.C.A. 9-8-4-4(3)(a)(i). If you have questions, please contact me at 801-533-3555 or Jim Oykmann at 801-533-3523.

Sincerely,

Jim Dykmann (signature redacted)
Archaeologist
USHPO

for Lori Hunsaker

Lori Hunsaker
Deputy State Historic Preservation
Archaeology



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